

IPW

SEP 16 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Robert J. Thomas and Robert W. Daly

Application No.: 10/716,360 Group Art Unit: 3743

Filed: November 18, 2003 Examiner: Not assigned

Confirmation No.: 6678

Title: GAS SYSTEMS AND METHODS FOR ENABLING RESPIRATORY STABILITY

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or is being facsimile transmitted to the United States Patent and Trademark Office on:

9/14/04 Margaret A. Norcott

Date Signature

Margaret A. Norcott

Typed or printed name of person signing certificate

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Information Disclosure Statement is submitted:

under 37 CFR 1.129(a), or
(First/Second submission after Final Rejection)

under 37 CFR 1.97(b), or

(Within any one of the following time periods: three months of filing national application (other than a CPA) or date of entry of the national stage in an international application; or before the mailing date of a first office action on the merits in a non-provisional application, including a CPA, or a Request for Continued Examination).

under 37 CFR 1.97(c) together with either:

a Statement under 37 CFR 1.97(e), as checked below, or

a \$180.00 fee under 37 CFR 1.17(p), or

(After the 37 CFR 1.97(b) time period, but before final action or notice of allowance, whichever occurs first)

under 37 CFR 1.97(d) together with:

a Statement under 37 CFR 1.97(e), as checked below, and

a \$180.00 fee under 37 CFR 1.17(p), or

(Filed after final action or notice of allowance, whichever occurs first, but on or before payment of the issue fee)

under 37 CFR 1.97(i):

Applicant requests that the IDS and cited reference(s) be placed in the application filewrapper.
(Filed after payment of issue fee)

Statement Under 37 CFR 1.97(e)

- [] Each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement; or
- [] No item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned, after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

Statement Under 37 CFR 1.704(d) (Patent Term Adjustment)

Applies to original applications (other than design) filed on or after May 29, 2000

- [] Each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in § 1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.

- [X] Enclosed herewith is form PTO-1449:

- [X] Copies of the cited references are enclosed.

- [X] Since this application was filed after June 30, 2003, copies of issued U.S. patents and published U.S. applications are not required and are not being provided.

- [] Copies of the cited references are enclosed except those entered in prior application, U.S. Application No. [], to which priority under 35 U.S.C. 120 is claimed. [The earlier application contains copies of the cited references.]

- [X] The listed references were cited in the enclosed International Search Report in a counterpart foreign application.

- [] The "concise explanation" requirement (non-English references) for reference(s) [] under 37 CFR 1.98(a)(3) is satisfied by:

- [] the explanation provided on the attached sheet.

- [] the explanation provided in the Specification.

- [] submission of the enclosed Partial International Search Report.

- [] submission of the enclosed English-language version of a foreign Search Report and/or foreign Office Action.

- [] the enclosed English language abstract.

[] Applicant requests that the following non-published pending applications be considered:

Examiner's
Initials

____ U.S. Patent Application No. [], by [inventor(s)], filed [], Docket No.: []

____ U.S. Patent Application No. [], by [inventor(s)], filed [], Docket No.: []

____ U.S. Patent Application No. [], by [inventor(s)], filed [], Docket No.: []

Examiner _____

Date _____

[] A copy of each above-cited application, including the current claims, is enclosed.

[] A copy of each above-cited application, including the current claims, is enclosed, except those entered in prior application, U.S. Application No. [], to which priority under 35 U.S.C. 120 is claimed.

The Examiner is requested to return a copy of the above list of pending applications indicating which references were considered with the next office communication.

It is requested that the information disclosed herein be made of record in this application.

Method of payment:

[] A check for the fee noted above is enclosed, or the fee has been included in the check with the accompanying Reply. A copy of this Statement is enclosed.

[] Please charge Deposit Account 08-0380 in the amount of \$[]. A copy of this Statement is enclosed.

[X] Please charge any deficiency in fees and credit any overpayment to Deposit Account 08-0380.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By Mary Lou Wakimura
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Concord, MA 01742-9133

Dated: 9/14/04

PTO-1449 REPRODUCED

INFORMATION DISCLOSURE CITATION
IN AN APPLICATION

September 14, 2003

(Use several sheets if necessary)

SEP 16 2003

U.S. PATENT AND TRADEMARK OFFICE

ATTORNEY DOCKET NO.
1440.2032-001APPLICATION NO.
10/716,360FIRST NAMED INVENTOR
Robert J. ThomasFILING DATE
11/18/03EXAMINER
Not assignedCONFIRMATION NO.
6678GROUP
3743

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	REF. NO.	DOCUMENT NUMBER Number-Kind Code (if known)	ISSUE DATE / PUBLICATION DATE MM-DD-YYYY	NAME OF PATENTEE OR APPLICANT OF CITED DOCUMENT
/NP/	AM	4,188,946	02/19/1980	Watson et al.
/NP/	AE	6,306,098 B1	10/23/2001	Orr et al.
/NP/	AE	2002/0059933 A1	05/23/2002	Jaffe et al.
	AG			
	AH			
	AH			
	AH			
	AK			
	AA2			
	AB2			
	AC2			
	AD2			
	AE2			
	AF2			
	AC2			
	AH2			
	AJ2			
	AJ2			
	AK2			
	AA3			
	AB3			
	AC3			

EXAMINER

/Nihir Patel/

DATE CONSIDERED

04/24/2008

PTO-1449 REPRODUCED

INFORMATION DISCLOSURE CITATION
IN AN APPLICATION

September 14, 2004

(Use several sheets if necessary)

ATTORNEY DOCKET NO.
1440.2032-001APPLICATION NO.
10/716,360FIRST NAMED INVENTOR
Robert J. ThomasFILING DATE
11/18/03EXAMINER
Not assignedCONFIRMATION NO.
6678GROUP
3743

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER Country Code-Number-Kind Code (if known)	DATE MM-DD-YYYY	NAME OF PATENTEE OR APPLICANT OF CITED DOCUMENT	TRANSLATION YES NO
/NP/	AP	WO 00/45882	08/10/2000	Remmers et al.	
	AP				
	AO				
	AP				
	AO				
	AL2				
	AM2				
	AN2				
	AO2				
	AP2				
	AQ2				
	AL3				
	AM4				
	AN4				
	AO4				
	AP4				
	AQ3				
	AP4				
	AM4				
	AN4				
	AO4				
	AP4				
	AQ3				

EXAMINER	/Nihir Patel/	DATE CONSIDERED	04/24/2008
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